

Honolulu, Hawaii

APR 30 2015

RE: S.B. No. 17  
H.D. 2  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 17, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO REAL ESTATE SELLER DISCLOSURE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify that the required disclosure of documents relating to restrictions or conditions, including unrecorded rules or guidelines, by a seller for residential real property that is subject to restrictions or conditions on use applies to documents relating to restrictions or conditions within a seller's actual or constructive knowledge or control and all documents subject to disclosure under section 514B-154.5, Hawaii Revised Statutes.

Your Committee on Conference finds that chapter 508D, Hawaii Revised Statutes, was amended in 2013 to, among other things, establish a uniform standard of disclosure for consumers and real estate licensees involved in planned community association,



condominium project, and cooperative housing corporation transactions. Your Committee on Conference further finds that this measure is intended to clarify the required disclosure of documents by a seller for residential real property that is subject to restrictions or conditions on use.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the required disclosure of documents by a seller for residential real property that is subject to restrictions or conditions on use applies to documents relating to restrictions or conditions in a manner consistent with and subject to the seller's duty of good faith as provided for under section 508D-9, Hawaii Revised Statutes; and
- (2) Updating the purpose section.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 17, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 17, H.D. 2, C.D. 1.

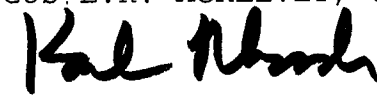
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
\_\_\_\_\_  
ANGUS L.K. MCKELVEY, Co-Chair

  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair

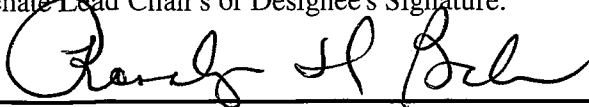
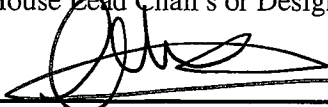
  
\_\_\_\_\_  
KARL RHOADS, Co-Chair



# Hawaii State Legislature

CUR 12

## Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 17, HD 2</b>					Date/Time: <b>4-28-2015</b> <sup>PAB</sup> <b>10:25A</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
TANIGUCHI, Brian T.				✓	RHOADS, Karl, Co-Chr.	✓			
SLOM, Sam	✓				WOODSON, Justin H.	✓			
					MCDERMOTT, Bob				✓
TOTAL	2			1	TOTAL	3			1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original					Yellow				
File with Conference Committee Report					House Clerk's Office				
					Pink				
					Senate Clerk's Office				
					Goldenrod				
					Drafting Agency				